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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/059,704	01/29/2002	Tullio Rossini	ACO 2849 US	5948
7590	11/20/2003			
David H. Vickrey Akzo Nobel Inc. 7 Livingstone Avenue Dobbs Ferry, NY 10522-3408				
			EXAMINER VIJAYAKUMAR, KALLAMBELLA M	
			ART UNIT 1751	PAPER NUMBER 15
DATE MAILED: 11/20/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

CLO 15

Office Action Summary

Application No.

10/059,704

Applicant(s)

ROSSINI ET AL.

Examiner

Kallambella Vijayakumar

Art Unit

1751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Response Dt 08/25/2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 7-9 is/are rejected.
- 7) ☒ Claim(s) 5-6 and 10-15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 12.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Detailed Action

- Claims 1-15 are currently pending with the application. Applicant's arguments, see Paper-14, filed 08/25/2003, with respect to the rejection(s)/objections of claim(s) 1-15 in Office Action in Paper-11 dated 04/24/2003 have been fully considered and are persuasive. Therefore, the following rejections/objections have been withdrawn.
 1. Objections to Claims 2-15 as dependent on rejected base claim.
 2. Rejection of Claim 1 under 35 U.S.C. 112, second paragraph.
 3. Rejection of Claims 1-2, 4-6, 8, 10, 12-13 and 15 under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Boyer et al (US Patent 5,085,931).
 4. Rejection of Claims 1-15 under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Komasa et al (JP 62-018481) or Tomono et al (JP 62-197473).

However, upon further consideration, a new ground(s) of rejection is made in view of Nippon Chem Kensets (JP 59-169577) or Nippon Seisen Co (1970).

- Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by Nippon Chem Kensets (JP 59-169577).

Nippon Chem Kensets teaches making of electromagnetic screening layer by spraying a mixture comprising of short metal/alloy fibers with an aspect ratio below 60 and diameter of about 75 microns, and metal powder having a particle size larger than the diameter of metallic fibers over a surface coated with an adhesive layer, and then coating a synthetic

resin containing metal powder that would meet the limitations of instant claims 1 and 2 (Abstract). All the limitations of the instant claims are met.

The reference is anticipatory.

- Claims 1-4 and 7-9 rejected under 35 U.S.C. 102(b) as being anticipated by Nippon Sensei Co (Stainless Steel Data, 1970) in view of Suzuki (US Patent 5,206,073).

Nippon Sensei discloses Stainless Steel fibers and chops having the fiber diameter of 4 to 50 microns and length of about 2 mm coated with a resin and the fibers as an antistatic material or electromagnetic shield. The coating of powders and paints by various electrostatic techniques are well known in the art as shown by Suzuki and coating of the steel fibers as powder coating would be anticipated and meets the limitations of instant claim-1.

Normally, only one reference should be used in making a rejection under 35 U.S.C. 102. However, a 35 U.S.C. 102 rejection over multiple references has been held to be proper, when the extra references are cited to:

- (A) Prove the primary reference contains an "enabled disclosure; "
- (B) Explain the meaning of a term used in the primary reference; or
- (C) Show that a characteristic not disclosed in the reference is inherent. (SEE MPEP 2131.01).

The dimensions of the stainless steel wire and the chops given in the data sheet meet the limitations of particle diameter and the l/d ratio in instant claims 2-4 and 7-9.

All the limitations of the instant claims are met.

The reference is anticipatory.

- Claims 1-4 and 7-9 rejected under 35 U.S.C. 103(a) as being unpatentable over Nippon Chem Kensets (JP 59-169577) in view of Nippon Sensei Co (Stainless Steel Data, 1970).

The disclosure on the coating of ally powders forming antistatic/electromagnetic layer is set forth as above.

Nippon Chem Kensets does not disclose the coating compositions containing stainless steel fibers.

Nippon Sensei discloses the stainless steel fibers/chops as electromagnetic/antistatic materials, as set forth above.

It would have been obvious for one ordinary skilled in the art to modify the coating compositions of Nippon Chem Kensets by including the stainless steel fibers/chops of Nippon Sensei Co by choice of design to benefit from improved electromagnetic radiation/antistatic properties, because both the teachings are in the analogous art of electromagnetic radiation filters and Nippon Sensei teaches the use of fine fibers of stainless steel in the antistatic materials, and with the expectation of reasonable success in arriving at the limitations of the instant claims by the applicants.


***Claim Objections and
Allowable Subject Matter***

Claims 5-6 and 10-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Prior art of record does not teach or fairly suggestive of the wt% of the metallic fibers in the powder coating per the limitations of instant claims.

Conclusion

- The Encyclopedia of Chemical Technology by Kirk-Othmer provided by the applicants in support of their arguments was not been included on a PTO-1449 by the applicants, and hence, it has been included in the PTO-892 to perfect the reference records.
- Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kallambella Vijayakumar whose telephone number is 703-305-4931. The examiner can normally be reached on M-Th, 07.30 - 17.00 hrs, Alt. Fri: 07.30-16.00 hrs.
- If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dr. Yogendra Gupta can be reached on 703-308-4708. The fax phone number for the organization where this application or proceeding is assigned is 703-305-3599.
- Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

KMV
November 12, 2003.


YOGENDRA N. GUPTA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700